

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is responsive to issues raised in the Office Action mailed July 12, 2007.

Rejections Under 35 U.S.C. §103

Claims 1-39 have been canceled, thereby obviating the outstanding rejections.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has introduced new independent claims which, in part, recite limitations directed to:

establishing at least one of a plurality of parameters associated with at least one characteristic of the remote copy process;

establishing at least one of a plurality of parameters associated with a spectrum sweep throughput probe;

initiating the remote copy process to copy data from a first logical unit in the first storage cell to a copy of the first logical unit in the second storage cell over the storage network, wherein the remote copy process copies data using an initial native block size; and

performing the spectrum sweep throughput probe during the remote copy process when the characteristic of the remote copy process satisfies at least one of the plurality of parameters.

New claims 44-58 are supported by the specification, *inter alia*, at paragraphs [0038] through [0055]. It is respectfully submitted that the cited art (alone or in combination) fails to disclose the claimed combination of features set forth in the claims.

CONCLUSION

Claims 44-58 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
Jed W. Caven
Caven & Aghevli LLC
9249 S. Broadway Blvd. #200-201
Highlands Ranch, CO 80129

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/Jed W. Caven/

Jed W. Caven
Caven & Aghevli LLC
Reg. No. 40,551
(720) 841-9544